

Milton Town Council Meeting
Milton Theatre, 110 Union Street
Monday, June 1, 2009
7:00 p.m.

1. **PUBLIC PARTICIPATION** portion was called to order by Mayor Post at 7:00 pm

- a. Bill Bell: We're here again. We sent I believe, Mr. Dickerson, photos to you also. Some of these are properties that are adjacent to ours, but there are many properties and I'm sure we all know the properties around town that need addressing. In understand that we only have Robin now. I don't know if since the last time I heard, there has been an additional Code Enforcer added; but I do know that there are things in ordinances; there are procedures; there is a house on Walnut Street on the corner across from the cemetery; it's been declared condemned for well over a year. I just don't know what the next step is. Does it just stay condemned until it completely falls down? Or do we do something next? There were some improvements on 420 Chestnut Street; but if you walk past there you will still see in the backyard, trees that are dead and still burnt all the way up them; that obviously need to come down; they're going to come down; I just don't know if they're going to come down in the backyard on my neighbor's house. The chimney on that property is 4" away from the house. Its days or hours or weeks from completely falling down. I hate to come here and feel like I'm constantly complaining, complaining, complaining; I like to come here and hear about good things that are happening, or positive events and I just don't understand; I know there are procedures; I know there are rules; I know there are bureaucracies; I know things take time. There has been what appears to at one time been a child's playhouse, perhaps it could have been a dog house, that is painted pink in the backyard, without a roof on it for 4 years. I just don't understand. The backyard looks like a section of woods, as opposed to a yard.

Mayor Post: Now, which property are you referring to?

Bill Bell: 420 Chestnut Street.

Mayor Post: Is that Mr. Welu's property?

Bill Bell: That's Mr. Welu's property. The front porch has got whatever bushes they were, have no become vines running up the whole thing. There's a dresser on the porch; I know no where in history has it been popular or preferred to put our dressers on our porches and certainly I don't think there's a person you can find that would think this is a piece that needs to be saved or preserved; and if it is, it doesn't get preserved on the porch. I just would like to implore the Town Council to take a look at this stuff; it's been years; we've tried to be patient and here we are again. Thanks.

Mayor Post: Mr. Dickerson, I with Welu's property there was a certain amount of time that we had to let the insurance adjuster go through the entire process. I know CC had sent, prior to him leaving the Town of Milton

another notice had gone out to him; we are in limbo right now without a Code Enforcer; hopefully, this is something that the new Code Enforcer will need to be tasked with strong guidelines to move forward on these types of properties; you're absolutely right on it; I've been by that property; and there are others and we have had a horrible issue with the grass; including I'm going to go on record about the height of the grass in the town. We did send out, I believe last week, finally 60 letters to property owners regarding their grass, and luckily we've taken action last year that we no longer have to take second notice action; and we will immediately cut their grass and we will bill them for the process; and we are going to have to probably do the same thing if there is a shed without a roof on it; we do need to give somebody X amount of time to get it done. We do need to be fair; but with some of these people; but with some of these people, we have been more than fair with; and if they can't do it, then we'll have to hire somebody to come in and do it. We don't have extra manpower; just have enough manpower to keep the parks and things like that going; but we can bring somebody in and pay them and we will have to lien their properties.

Bill Bell: Exactly, and I understand; that there are procedures to be followed; and time periods and waiting periods; but it also seems to me that there could be automatic procedures in place, because I think that that letter about grass could go out when the grass is a foot tall; instead of when it's 2 foot tall. That kind of stuff.

Mayor Post: Absolutely, and usually they have; and I have to say that CC did an excellent job on that. I think it got out of hand during this interim; right now we're in the process of hiring someone; I think we've had 100 applications that are being gone through right now for the position of Code Enforcer.

Bill Bell: So you are hiring another person?

Mayor Post: Oh, absolutely.

George Dickerson: The position closed today.

Mayor Post: Then hopefully, we can get the interviews and hopefully have somebody within the next couple of weeks.

Vice Mayor Betts: I went in and talked to Robin in regards to this; about a week ago; so Robin is aware of it also.

Bill Bell: I've talked to him, myself, on an individual level.

Mayor Post: It doesn't seem like we're getting much of a response with Mr. Welu and we're going to have to take another course of action. And you're right, he's not the only... If something has a roof off of it, should be considered that the next step is repair it or demolish it.

Bill Bell: Exactly, that's just a silly example of all of the stuff.

Mayor Post: Vice Mayor Betts there is a bus on a property that we've been dealing with for 20 years.

Vice Mayor Betts: There have been places that they did demolish, in this shape.

C Hudson: Mr. Mayor, there are several properties that are overgrown that Mr. Welu owns; what I'm asking is in light of the height that has already been reached, would it be appropriate to go ahead and cut the grass.

Mayor Post: These letters went out last Friday and there are a certain amount of days that we have to wait. I did notice that there were some strips of grass already cut today, and perhaps the lawnmower broke or not, but they were very high.

C Hudson: I'm just concerned that if it gets too high he won't be able to cut them at all.

Bill Bell: He'll cut them on the last day.

Mayor Post: It's going to have to be the priority of the new Code Enforcer. We never ever have to send a second grass notice. This is it. We have changed it; we will come in and cut the grass and bill him.

Bill Bell: I appreciate everything you can do. It's great that a house that needed to be condemned got condemned; but 1-1/2 years later, it's still condemned. The corners of Mill and Walnut.

Mayor Post: He promised to bring that house up to code.

C Duby: My understanding from people that live right near there is that he hasn't done that. Many people have made offers to buy it.

Mayor Post: He has not done that.

Bill Bell: I made an offer.

Mayor Post: It's a shame with that property; there's some potential there.

C Duby: If we have a condemnation order, I don't see why we can't go forward with that.

Mayor Post: Give so many days for it and then...

Mayor Post: I will now close the public participation portion of this meeting at 7:11 pm.

2. The Milton Town Council Meeting was called to order by Mayor Post at 7:11 pm.
3. A Moment of Silence was led by Vice Mayor Betts.
4. The Pledge of Allegiance to the Flag was said by all in attendance.
5. Roll Call was called by Mayor Post

C Martin-Brown	Present
C Duby	Present
C Hudson	Present
C Abraham	Present
Mayor Post	Present
C Betts	Present
C Prettyman	Present

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6. Additions or Corrections to the Agenda

Mayor Post: Are there any additions or corrections to the agenda? We need to remove the approval of the May 4th and May 21st minutes, because they are not ready yet. And, also since the Council had not received in their package, the fee schedule, or the proposed fee schedule for A and B under New Business that needs to be removed. That can be placed under next month's meeting agenda.

C Betts: I move to amend the original agenda, removing item 8 under the regular and New Business A and B.

C Prettyman: Second.

Mayor Post: We have a motion and a second. All in favor say "aye". Opposed. Motion carried.

7. Presentation and Approval of Minutes for April 9, 2009.

C Prettyman: I move that we accept the minutes of April 9, 2009, as written.

C Betts: Second.

C Hudson: I will abstain on that vote, because I was absent.

Mayor Post: We have a motion and a second, is there any discussion? All in favor say "aye". Opposed. Motion carried.

8. Approval of Written Committee Reports

C Prettyman: I make a motion to accept and approve the committee reports that have been submitted to us, as presented.

C Abraham: Second

Mayor Post: We have a motion and a second. Is there any discussion? All in favor say "aye". Opposed. Motion carried.

a. Town Manager's Report

George Dickerson: Good evening Mayor and Council. I would like to give you an update first on the Rails to Trails project. Phase I is nearing completion. The rails have been removed from Federal Street and most anybody that has been by there can see that those were removed filled quite nicely. Benches and trash cans were delivered this past Friday and they are to be installed on Thursday. Light poles have been ordered and we are awaiting delivery on them. There was a little mix-up on that with the contractor who was supposed to do the ordering and there was a 5 week delay on those, and those have now been ordered. Also, the bollards are to be received on Wednesday and to be installed Thursday, also. So that project is actually winding down very well and the paving still needs to be done there. Anybody that's been by there, can see all the plantings there. It does look quite nice and will be quite nice upon completion. The reassessment process: as of May 29th the total number of assessed properties for the Town was 1,809; that's the number of properties that had been assessed already. Once all the schools have been assessed, Phase I of the assessment will be completed. At that time, the numbers will be put to the measurements that were taken by the field workers as that and then notification of what those assessments will be, and

obviously the next one a property owner if they were disputing that would have an opportunity to come in at an announced time to dispute any of those; but we're not quite there yet; they will be running those numbers against the measurements that were taken. I would like to thank Allen and his Maintenance Team for the Horseshoe Crab and the Shorebird Festival with helping out and all the things that you have to move around and I know Allen that was quite hectic for you and your guys and unexpected with all the other things that you were doing. Your guys did a great job with that and thank you. [Applause]. Each month you get the complaint report and I just like to mention this, because I think it's noteworthy of the complaints that come into town hall; the complaint report total received for this year is 107 complaints, of which 14 remain outstanding. So we clear those up pretty well as they come in and there's only 14 outstanding to date. Each Tuesday, since the last budget was enacted and passed by the Town Council that we're actually working on now in this fiscal year, we have Tuesday meetings with staff (that's Jennifer, Stephanie, Julie and myself and sometimes we call in Department Heads if we have questions about expenditures where we go over invoices). It's time for us to start thinking; it doesn't seem like it but before we know it October 1st will be here and this is the time of year where I actually send out notices to Department Heads and the information that's been given to the Department Heads and they have a list of last year's expenditures where they can plug those numbers in. Besides doing that, also there are meetings where we call those Department Heads into our Tuesday meetings or we schedule that for another day and at those meetings we talk to those Department Heads about what their individual budget expectations are; any capital expenditures that they see that may be needed; and, what those issues will look like with regard to the budget; so we're already starting to gear up now for our next budget. The Main Street Program: I would like to thank Stephanie Coulbourne for the job that she did with regard to that. Initially, there were start up meetings held with Denise Laird in March; she attended various meetings with Main Street status assessment team; and, participated in the walking tour to present the Town of Milton. My understanding was that that was very successful; the team meetings with Denise Laird gave us some good compliments with regard to those meetings and that went very well. That's all I had unless there are any questions.

b. Written Reports
Maintenance

C Prettyman: I make a motion we accept the May 9, 2009 written report from the Maintenance Department, as written.

Vice Mayor Betts: Second

Mayor Post: We have a motion and second; any discussion? All in favor say "aye". Opposed. Motion carried.

Project Coordinator/Code Enforcer

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C Prettyman: I make a motion to accept the May 9, 2009 Project Coordinator/Code Enforcer report, as prepared.

C Duby: Second.

Mayor Post: We have a motion and second, is there any discussion? All in favor say "aye". Opposed. Motion carried.

Police Report:

C Prettyman: I make a motion to accept the April 21st through May 20th, 2009 Police Report, as submitted.

Vice Mayor Betts: Second.

Mayor Post: We have a motion and second; any discussion? All in favor say "aye". Opposed. Motion carried.

9. Old Business

c. Committee Comments Regarding the Historic Preservation Ordinance Changes

Mayor Post: As you can see, under the Historic Preservation Commission they did not meet because they did not have a quorum; they only had three members, out of seven. They did not make any comments and then we have in front of us from Planning & Zoning on their report number 3, they are pretty specific, Page 5, 3.b, add "and location of the meeting" to the last sentence. Their second request is also from Page 5, 3.c change 200 feet to "300 feet"; and Page 5, 3.c change 10 days to "15 days"; Page 5, 3.c add a "closing date for an Application acceptance"; and Page 6, 3.d strike the word "discretionary". Also, Page 8, 4.1, change 45 days to "60 days"; Page 11, Home Energy Audit should be considered for "energy efficiency efforts". Page 13, 3.c, change 1 year to "2 years and add a requirement that the property shall be secured and properly maintained during the second year period". That's their only comments and requests.

C Duby: Mr. Mayor is my memory correct that once we have the comments from Planning & Zoning and from the Historic Preservation that this comes back to us, as revised?

Mayor Post: Right, because there still would be a process to go through. We have to have our lawyer now put it together in legal terminology; then we would still have to have a public hearing on it for public comment; and, then we would vote after that. So do we wish at this time to proceed with having our attorney put the document together?

C Duby: Don't we need to wait and get comments from the Historic Preservation that couldn't meet due to lack of a quorum?

C Prettyman: I still think Historic Preservation would want to make some comments on this. Can we table it?

Mayor Post: Can we propose to send it back one more time to Historic Preservation Commission; and then move forward at the next meeting, if you want their comments.

C Prettyman: Then I would like to make a motion to send it back to the Historic Preservation Commission so that we can get their comments on this before we move forward.

C Duby: I second that.

Mayor Post: So we have a motion and a second. Any other discussion?

C Hudson: I don't think it's fair to the Applicant, Mr. Mayor.

Mayor Post: What Applicant?

C Hudson: That we have to wait for processing it legally, because Historic Review didn't meet.

C Prettyman: There's no Applicant.

C Hudson: If they haven't met, why do we have to go back to them? That's what my concern is. Whether it's an applicant or an ordinance change. If they haven't met and it delays it.

C Duby: They met; they didn't have a quorum. I think that commission's main function is this subject and so it would be good to get their comments. I would agree with you that we don't want to wait too long; I would say if they can't get a quorum the next time or they don't meet; then we wouldn't go back again.

C Hudson: Can we do it under those circumstances; they get one more?

Mayor Post: That's what we're doing; they get until the next meeting and then from there, we'll make a decision and move forward to send it over to get it into format form by our legal.

C Hudson: I just don't want to drag and drag.

Mayor Post: I agree. Any more discussion? All in favor say "aye". Opposed. Motion carried.

C Duby: Can I ask one more thing on this topic of the Counsel and I assume she would do this anyway? I assume that when we get the draft from Counsel, this is what it will indicate this is what the old one was and this is what Planning & Zoning's comments were and this is what Historic Preservation's comments were.

10. New Business

c. Utility Bill Relief Request

C Abraham: What you have before you is an appeal before Council on a water usage bill that was received by the property owner strictly for irrigation only. It is a separate meter. The property owner felt that the 3rd quarter of last year, which would have been was exceptionally high, appealed the bill to the Administrative end of it; the decision by the Administrative Office was the leave the bill as read, the amount due; the property owner appealed before the water committee; the water committee met and reviewed the documentation and decided to stick with the decision the Administrative Office had made; I feel the Town and as you can see, with the documentation the Town checked for meter issues; the meter came back that it was within standards; the property owner did submit from Sposato's Irrigation Company that the irrigation system was found to be working properly; you also see that our

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meter reading was done for them on a daily basis going back from the middle of July forward to cover the periods in question. The Committee could find no reason to reverse the decision of the Administrative Office. Therefore, the property owner has asked that the full Council review the information and make a decision. Allen is here if you have any technical questions as to the meter or maybe what usage or what do they see on a daily basis with the readings. During the hottest times of the year, June, July and August, the irrigation system was run about 1/2 total in days, 1/2 a month through July and August and into September.

Vice Mayor Betts: Was the meter ever replaced?

C Abraham: Yes, the meter was replaced and checked through the City of Rehoboth; we switched out a meter on them, too. In January, February and March of 2008 there was no usage of the irrigation meter; then you have April, May and June just probably started to turn it on; it used 49,550 gallons; then in the hot months, July, August and September it was 155,000 gallons of water for the third quarter. She's also since, Suzanne Fox, the property owner, appealed the fourth quarter; the water committee didn't schedule a special meeting, feeling that it would just drag it out additionally like the third quarter; so it is also before you tonight.

Mayor Post: What we're saying is that from July 1 to July 31 she used almost 16,000 gallons; August 1 to August 31 she used almost 56,500; and September 1 to September she used almost 40,210; so her total use was 112,000 through the summer months.

C Abraham: Really it was 155,000; I'm assuming that the odd difference was the home usage. You don't have the full month of July

Mayor Post: Oh.

C Abraham: July, August and September are your hottest months. Then they did the daily reading and if you calculate August, it ran 18 times the month, each day it ran it used a little more than 3,000 gallons each day it ran.

Mayor Post: It's through Sposato.

C Duby: My experience is that they don't run for hours, they run for minutes.

C Abraham: If you look at this, you would say it's not on a timer, because it's so sporadic; you would have August 17th it ran; 18th it ran; 19th it didn't; 20th it did. But then you have times where it did and then its 3 days where it did and 2 days where it didn't. The property owner at any of the meetings where we have had a meeting; they have not appeared. We're basing this on submitted written information or information that we have obtained on our own.

C Duby: This seems very strange to me. I would love to know if anybody has a theory on what is going on here. As she says it doesn't seem likely that it's a leak and yet if we have tested the meter and actually swapped it out once, if it's not the meter.

C Abraham: No we've swapped it out and tested the meter; certification done.

C Prettyman: It's all been certified.

C Martin-Brown: C Abraham, if it's not the meter, and we don't know if there is a timer, water just doesn't evaporate, but the point is that if the meter is

working and it is showing that kind of dispersal of water, then it has to be something in the actual mechanical system underground and wouldn't that be between the provider and the client, as opposed to an issue the Town can really resolve?

C Abraham: That's correct.

C Martin-Brown: If we resolved it by continuing to bill them, the fees are going to be so high that the aggregate could actually cost more in the fees than working with the company to really dig the thing up and find the problem.

C Hudson: Well, considering all these zeroes, it indicates to me that there is no leak or the meter would have indicated some usage; so I don't think there is a leak. Otherwise they wouldn't have had all these zeroes.

C Duby: If there were a leak they would have had 70,000 gallons of water in their yard and they might have noticed that.

C Martin-Brown: The issue then is what's not working right?

C Abraham: The letter from their company states that it is working properly; and C Hudson is correct; if we had a leak we would have sporadic numbers on a daily basis.

C Duby: Unless it only leaks when it is turned on.

C Martin-Brown: That would be logical.

Mayor Post: Do we have any showing of how long it runs at a time? If it is set on for a very long time; if it is set on for a very long time.

Allen Davis: My guys said they went by this property and water was leaking out into the street.

Mayor Post: I have seen that too. It's a very lush yard. It's on a swell too.

C Duby: Her letter says she runs the irrigation system one day less per week and yet the bill is more than it was.

Mayor Post: The key here is how long does it run? You may be running it one day less, but if you're running it 30 hours more, it's kind of irrelevant. How long is it running, when it is running; is the timer set right; do they have it on a long time setting; are they doing it right in the heat of the day where it does evaporate; which you shouldn't be irrigating during the heat of the day in the full sun?

C Abraham: There again, that is not the Town's responsibility.

Mayor Post: We agree with you on that.

C Abraham: Maybe they need a session on better usage of it.

Mayor Post: It's not unrealistic to use that many gallons if you have it on a very high lengthy time setting for watering and depending upon what time of the day.

C Duby: But they are working with a professional company who does these and the company usually says, set it for 5:00 am; run it for 20 minutes; 3 times a week, etc.

C Hudson: The reason I asked if it was on a timer, is these numbers are very consistent. It doesn't appear to be much variation until you get back here in July and the beginning of August; when the numbers are a little bit lower, but then you get further on that it makes you think it was on a timer. Or

somebody is turning in on at the same time in the morning and then waiting until later and turning it off at the same time every day.

C Abraham: It's close.

C DUBY: No matter how curious we are about this, we have checked the meter, which is the Town's responsibility and the meter checks out; I'm not sure what else we can do.

C Abraham: That was the feeling of the Water Committee. The Water Committee I feel should soon address issues in general with irrigation systems, because I can see where this may become a problem. We've had this property two years ago, and now we're having it again. Our decision was to leave it as it was.

Mayor Post: I don't see the discrepancies that would send up a red flag.

C Abraham: We meet with them and we try; do you have any record of repair? They've never shown up. You might give some consideration, if they show up. It's really their responsibility. But there has never been any explanation.

C Martin-Brown: Do you want to us to entertain a motion to...

Mayor Post: Yes. You have the Town's Administrative Office recommendation that they need to pay it; from there they appealed it to the Water Committee; and they made the recommendation that they should pay it; now it appeals to us.

Vice Mayor Betts: I make a motion to uphold the Committee's recommendation to us that it was satisfactory.

C Martin-Brown: Second.

Mayor Post: We have a motion and a second. Is there any further discussion to the motion? All in favor say "aye". Opposed. Motion carried.

d. Street Closing Process

Vice Mayor Betts: The Town Manager and I have discussed street closings for special events and would appreciate if the Council would give us the authorization and the Police Department to make the decisions as to the justification of the certain street closings. Most requests come in a few days from what they want closed and it's impossible to put it on the monthly agenda and I would appreciate that.

C Martin-Brown: I would like to make a motion that requests for closing of streets for special events be left to the discretion of the Town Hall and the Police Department with notification of the Chair of the Streets Committee.

C Prettyman: Second.

C Hudson: Just some discretionary. We're getting notice in a short period of time because don't know, up to this point, they need to give the Town Council time to put it on the agenda. How are we going to notify people that they need to notify Vice Mayor Betts or Town Manager or to notify Chief of Police?

Vice Mayor Betts: They only have to notify one of us. Then whoever they notify, that person will notify the others.

C Hudson: Then will you amend your motion to mention that the people need to only notify one of those people and the person notified will notify the others.

C Martin-Brown: C Hudson, I would be pleased to amend by motion to reflect just notifying Town Hall by anybody needing to close a street for a special event, to contact Town Hall and they will follow up.

C Prettyman: Second.

Mayor Post: We have a motion and a second. Is there any further discussion to the motion? All in favor say "aye". Opposed. Motion carried.

11. Mayor Post: We will need to call an Executive Session.

C Prettyman: I move we go into Executive Session at 7:47 pm.

C Hudson: Second.

Mayor Post: We have a motion and a second to go into Executive Session. Is there any discussion to the motion? All in favor say "aye". Opposed. Motion carried.

C Prettyman: Mr. Mayor, I make a motion that we come out of Executive Session.

C Hudson: Second.

Mayor Post: We have a motion and a second to come out of Executive Session.

Coming out at 8:36 pm. We have a motion and a second. Any further discussion to that motion? All in favor say "aye". Opposed. Motion carried.

C Duby: I would like to make a motion that we approve the letter that we have reviewed and discussed in Executive Session pending litigation our Counsel's efforts to review of the letter by the investigators that the Town has engaged.

C Martin-Brown: Second.

Mayor Post: We have a motion and a second. Any further discussion? All in favor say "aye". Opposed. C Prettyman has abstained. Motion carried.

12. Adjournment

C Martin-Brown: I make a motion to adjourn.

C Duby: Second.

Mayor Post: We have a motion and a second. Is there any discussion? All in favor say "aye". Opposed. Motion to close at 8:38 pm.